

Annex 1

Darlington Borough Council

Central Park Enterprise Zone

Draft Local Development Order

23rd November 2011



Central Park Enterprise Zone Local Development Order 2012

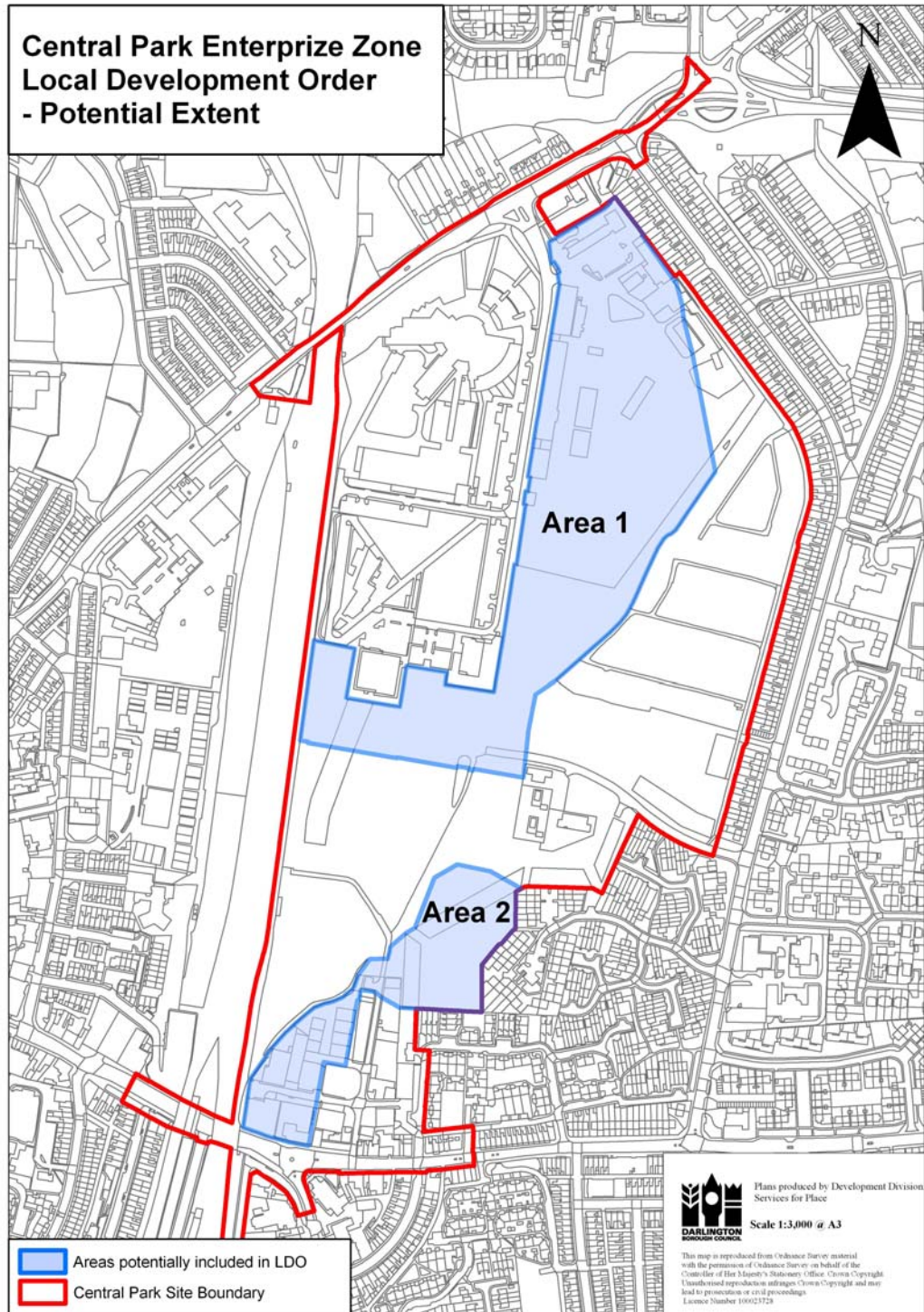
1. This Order is made by the Darlington Borough Council (the 'Council') under the powers conferred on the Council as local planning authority by sections 61A-61D and schedule 4A of the Town and Country Planning Act 1990 (as amended) and pursuant to The Town and Country Planning (Development Management Procedure) (England) Order 2010/2184, and shall be known as The Central Park Enterprise Zone Local Development Order 2012 (the 'Order').
2. The Order relates to land in part of the Council's administrative area known as Central Park Enterprise Zone as edged in blue depicted on the plan attached at Schedule 1 (the 'Plan').
3. The key and additional depictions on the Plan shall have effect for the interpretation of this Order but where there is any inconsistency between the wording of the Order and the Plan the wording of this Order shall take precedence.
4. The Order authorises development of the classes set out in Schedule 2 subject to:
 - (a) the definitions, limitations and provisos in that Schedule;
 - (b) the prior information and directions set out in Schedule 3; and
 - (c) the conditions set out in Schedule 4.
5. Definitions in the The Town and Country Planning (Use Classes) Order apply in the interpretation of Schedule 2 unless expressly stated otherwise.
6. This Order was adopted by the Council on [] 2012 [TBC] and shall be in force until **31st March 2015** when it shall expire.
7. On expiry the Order may be renewed in the same or a different form or revoked completely.
8. The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.
9. The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.
10. The address for submission of all communications in relation to operation of this Order is: **Development Management, Darlington Borough Council, Town Hall, Feethams, Darlington DL1 5QT**, but this Order authorises the Council to substitute another address by 28 days prior notice of the change on its web-site www.darlington.gov.uk

Date:

Authorisation

Schedule 1

The Central Park Enterprise Zone Local Development Order 2012 Area (The 'Plan')



Schedule 2

The Central Park Enterprise Zone Local Development Order 2012

Development Authorised in the Area

Subject to compliance with the prior information requirements and directions in Schedule 3 and the conditions in Schedule 4 development of the following classes is authorised:

Development for uses falling within use classes A or B1 of the Town and Country Planning (Uses Classes) Order 1987 (the UCO) together with Associated Development.

Where:

'Associated Development' is car parking, hard standing, landscaping and storage areas only, to the effect that all development beyond this which is coincidental to or associated with the main development must be notified to the Council for consideration through the 'Pre Notification' procedure.

Limitations

[As to Class A, B1 and associated development permitted above]

- (a) No Development within Class B1(c) (light industrial) of the UCO is permitted
- (b) No Development within Class A2 or Class A5 of the UCO is permitted
- (c) No building authorised to be built by this Order shall when completed be of fewer than 3 storeys and more than 5 storeys;
- (d) Any development within Classes A1, A3 or A4 shall be located in a building whose principal use is within class B1 of the UCO
- (e) No development within Classes A1, A3 or A4 shall be otherwise than at ground floor level
- (f) No more than 100sqm of the ground floor space per building hereby permitted for B1 use shall be occupied by an A1, A3 or A4 use
- (g) The cumulative total of A1, A3, and A4 uses permitted under this Order shall not exceed 500 sqm in aggregate
- (h) No development is authorised under this Order until full details of all external plant, ventilation, extraction and any associated outside storage have been agreed in writing by the Council prior to the construction of the development commencing; and

- (i) No building authorised to be built or extended by this Order shall be more than 15 metres above ground level at its highest point. This includes any external plant or ventilation which may be accommodated on the roof.

Development not authorised by this Order:

1. Any development in relation to which the requirements for pre-notification and supply of prior information and/or statements, assessments and surveys in Schedule 3 are not complied with.
2. Any development in relation to which following pre-notification as required by paragraph 1 of Schedule 3 the Council has informed the developer in writing that the development proposed is not development authorised by this Order;
3. Any development in relation to which following the supply of prior information as required by paragraph 2 of Schedule 3 the Council has informed the developer in a screening opinion pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that the development proposed is development requiring environmental impact assessment;
4. Any development that is EIA development within Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011;
5. Any development affecting the fabric of a listed building unless the Council has determined that the development proposed would not require listed building consent;
6. Any development in relation to which following the supply of prior statements and/or assessments as required by paragraphs 3, 4, and/or 5 of Schedule 3 the Council informs the developer that the proposed development would entail effects that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order;
7. Any development in relation to which following the supply of prior information as required by paragraph 1 of Schedule 3 the Council has informed the developer in writing that the development proposed is not development authorised by this Order for one or more of the following reasons:
 - (a) The inclusion in the proposal of associated development falling outside that permitted under the LDO, which has not been specifically agreed in writing with the Council;
 - (b) The development is deemed to be Environmental Impact Assessment development;
 - (c) The development is considered to give rise to significant or substantial impacts on protected species, flood risk or local highway network which cannot be appropriately mitigated in accordance with the conditions as set out in Schedule 4.

Schedule 3

The Central Park Enterprise Zone Local Development Order 2012 Prior Information and Directions

Prior Information and Directions		
	Requirement	Reason
1	<p>Pre Notification Form:</p> <p>Prior to the commencement of development, a completed 'Prior Notification to Development under the LDO' form shall be completed and submitted to the Council.</p> <p>Within 28 days of submission of this form, the Council shall confirm in writing whether the proposed development is permitted under this Order.</p> <p>If the proposal is not considered permitted under this Order a planning application will be required if the development is to proceed unchanged.</p> <p>A fee of £50.00 is payable to the council which shall accompany the completed pre-notification form.</p>	<p>To ensure that the proposed development complies with this Order.</p> <p>See Informative 1</p>
2	<p>Details:</p> <p>Prior to commencement of development full details (including location plans and elevation drawings as well as specifications where appropriate) shall be provided to the Council for all of the following where relevant to the development:</p> <ul style="list-style-type: none"> • A scheme identifying any associated development falling outside that permitted under this Order, including any external storage and any means of enclosure; • External Plant details where appropriate, including noise assessment; • The appropriate assessments and surveys in relation to contaminated land; • Extraction and Ventilation details where A3 or A4 uses are proposed; and • Refuse and/or waste storage details where A1, A3 or A4 uses are proposed. 	<p>[In the interests of local amenity]</p> <p>Schedule 2 and Condition 1</p> <p>Conditions 9 and 10</p> <p>Condition 15</p> <p>Condition 11</p> <p>Condition 4</p>
3	<p>EIA Screening:</p> <p>A request for an Environmental Impact Assessment Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (or any subsequent amended legislation) shall be submitted to and assessed by the local planning authority. This request must provided sufficient information for the kind, location, scale, height and operation and shall be provided as part of the above 'Pre Notification' procedure.</p> <p>The Council will provide the developer with a formal Screening Opinion within 28 days of receipt of the EIA Screening Request and information.</p>	<p>To ensure that any new development is not an EIA development.</p> <p>EIA development is not permitted through this Order</p> <p>See Informative 2</p>

<p>4</p>	<p>Flood Risk Assessment (FRA):</p> <p>As part of the 'prior notification to development' procedure for any development over 1Ha (gross) shall be submitted to the Council a Flood Risk Assessment by an appropriately qualified person in line with PPS25: Development and Flood Risk.</p> <p>Where the FRA recommends mitigation measures to reduce the flood risk or water management issues, the Council will confirm that the proposal is permitted under this Order subject to the recommended mitigation measures set out in the FRA being incorporated and/or implemented within the development, in accordance with condition 18 as set out in Schedule 4 of this Order.</p> <p>Development which gives rise to significant flood risk or water management issues which cannot be mitigated appropriately as part of the development proposal will not be permitted under this Order. If this is the case, the Council will clearly identify that this is the case in its formal response to the pre notification procedure.</p> <p>In those instances when the wider Central Park Flood Risk Assessment includes and addresses the proposed development a separate FRA will not be required.</p>	<p>To ensure that the proposal does not have an adverse impact upon flood risk.</p> <p>Development which has an adverse impact on flood risk which cannot be appropriately mitigated through on site works is not permitted under this Order.</p> <p>See condition 18</p> <p>See Informative 3</p>
<p>5</p>	<p>Traffic Generation:</p> <p>As part of the 'Prior Notification to Development' procedure, a Transport Statement or a Transport Assessment in accordance with 'Guidance on Transport Assessment' (DfT, 2007) will be required for any development that exceeds 1500 sqm or 2500 sqm (B1 uses) respectively. These Transport Statements/Assessments must be submitted to the Council and agreed in writing with the Council, prior to the commencement of development.</p> <p>Where the Transport Statement/ Assessment recommends mitigation measures to reduce the impact on the road network, the Council will confirm that the proposal is permitted under this Order subject to the recommended mitigation measures set out in the Transport Statement/Assessment being incorporated and/or implemented within the development, in accordance with Condition 18 as set out in Schedule 4 of this Order.</p> <p>Where the Transport Statement/Assessment identifies that the development is likely to result in a 'substantial' impact upon the highway network, which cannot be appropriately mitigated as part of the development, the proposal will not be permitted under this Order. This is on the basis that the proposal will have a substantial impact upon the local highway network. This will form part of the Council's response to the Prior Notification to Development procedure.</p> <p>In those instances when the wider Central Park Transport Assessment includes and addresses this development a separate Transport Statement/Assessment will not be required.</p>	<p>To ensure that traffic generated by the new development can be accommodated on the local road network in the interests of highway safety.</p> <p>Proposals which have a substantial impact upon the local highway network are not permitted under this Order.</p> <p>See condition 18</p> <p>See Informative 4</p>
<p>6</p>	<p>Ecological Surveys</p> <p>As part of the 'Prior Notification' procedure, ecological surveys</p>	<p>In the interests of</p>

<p>for the following species will be required:</p> <ul style="list-style-type: none"> • Bats; • Great Crested Newts and • Dingy Skipper Butterfly. <p>These surveys should satisfy the requirements of Natural England's Standing advice.</p> <p>In those instances where the surveys identify no impact or make recommendations as to how the impact can be mitigated through on site works and/or scheme amendments, the Council will confirm that the development complies with this Order on the basis that the proposal is carried out in accordance with the recommendations of the survey, in accordance with Condition 18 as set out in Schedule 4 of this Order.</p> <p>In those instances where the surveys identify that there are significant impacts to the protected species which cannot be mitigated on site and require off-site works, the Council will not be able to confirm that the proposal is in line with this Order on the basis that there is adverse impact on protected species. This will form part of the Councils response to the Prior Notification to Development procedure.</p> <p>In those instances when the wider Central Park Extended Phase 1 Survey and the resulting protected species surveys, includes and addresses this development these surveys will not be required to be repeated.</p>	<p>protecting and enhancing protected species and their habitats.</p> <p>Proposals which have an adverse impact upon protected species are not permitted under this Order.</p> <p>See condition 18</p> <p>See Informative 5</p>
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Please Note: The Council is working with its development partners to obtain the FRA, Transport Assessment and ecological surveys for the comprehensive scheme. Once these are available and agreed by the Council, the need to prepare individual FRA, TA and ecological surveys will be satisfied. Where appropriate any mitigation required will be reflected in the masterplan (which will be subject of a separate consultation exercise in the New Year). If the surveys identify that additional conditions are required as a result of these surveys, they will be consulted upon prior to the adoption of the Order.

Schedule 4

The Central Park Enterprise Zone Local Development Order 2012

Conditions

Table 2: Conditions		
1	<p>Design – Plot Usage and Servicing</p> <p>Plot usages, servicing and car parking shall be designed implemented and built in accordance with the guidelines set out in the 'Design of New Development SPD' for Zone 2 – Town Centre Outer Zone.</p> <p>No open storage shall take place within the Central Park Enterprise Zone unless otherwise agreed in writing with the Council.</p>	<p>In the interests of achieving good design and efficient use of land and to ensure the development is of an appropriate mass, scale and form for its location.</p> <p>See Informative 6</p>
2	<p>Environmental Quality</p> <p>All new buildings constructed under this Order shall achieve as a minimum a BREEAM 'very good' rating or equivalent. Proof of such rating shall be provided to the Council upon request.</p>	<p>To satisfy the quality standards as set out in Policy CS2 and in order to reduce the developments contribution to climate change.</p> <p>See Informative 6</p>
3	<p>Design – Renewable Energy</p> <p>At least 20% of the predicted energy requirements of each development shall come from on-site provision of decentralized and renewable or low carbon sources of energy, including micro-generation, unless it is demonstrated to and agreed by the Council that it is unfeasible or not viable to do so.</p> <p>The following energy sources are considered appropriate in this location:</p> <ul style="list-style-type: none"> • Photo voltaic panels or tiles; • Combined Heat and Power or District Heating; • Biomass boilers; • Ground or air source heat pumps; or • Solar thermal hot water. 	<p>In accordance with Policy Core Strategy Policy CS3, in the interests of reducing the developments carbon emissions.</p> <p>See Informative 7</p>
4	<p>External Storage – A1, A3 and A4 uses:</p> <p>No A1, A3 and A4 uses hereby permitted shall be brought into use until details of the arrangements for the storing of refuse and/or waste have been submitted to, and approved by, the Council. No such development shall be operated otherwise in accordance with any such approval.</p>	<p>To ensure adequate and consistent arrangements for the storage of refuse and waste</p>
5	<p>Highways:</p> <p>All new buildings and associated development shall be fully accessible by all users by a range of transport, including vehicular, pedestrian and cycling, and have</p>	<p>To promote sustainable development and sustainable transport choices, in line with</p>

	regard to servicing arrangements and highway safety.	Policy CS2.
6	<p>Parking:</p> <p>All car and cycle parking is to be surfaced hardstanding and provided in accordance with the parking standards set out in the Tees Valley Highway Design Guide and Specification: Residential and Industrial Estates¹.</p> <p>All such parking provision must satisfy the requirements of the Council's 'Design of New Development SPD' and be completed and fully available before the development is brought into use.</p>	To ensure new development is completed in accordance with the Council's adopted standards.
7	<p>Green Infrastructure and Biodiversity:</p> <p>Development shall include appropriate landscaping, in accordance with the guidelines set out Sections 6.10 (Biodiversity) and 6.12 (Landscaping) of the Council's 'Design of New Development' SPD. This shall incorporate indigenous planting and habitat creation wherever possible.</p>	To ensure high quality, sustainable design is achieved in accordance with Policy CS2.
8	<p>Drainage:</p> <p>Unless otherwise accommodated within the approved drainage scheme for the wider Central Park development, prior to the commencement of any development under this Order, details shall be submitted and approved of the means of disposal of foul and surface water drainage from the development. Any scheme shall accord with the guidelines as set out in the Sustainable Drainage section of the 'Design of New Development' SPD.</p> <p>The approved scheme shall be implemented to the satisfaction of the Council before the development is brought into use.</p>	To ensure adequate provision is made in respect of foul and surface water disposal from the site and to promote the use of SUDS strategies.
9	<p>Development Generated Noise and Disturbance:</p> <p>The noise rating level (as defined in BS 4142:1997) of noise emitted from external plant, whether operating individually or when all plant associated with the Enterprise Zone is operating simultaneously, shall be 5 dB below the background noise level at any surrounding existing or proposed residential property when measured in accordance with BS4142:1997. The noise rating levels shall include any necessary correction for the character of the noise and the background noise level shall be agreed in writing with the Council.</p>	In the interests of local amenity
10	<p>External Plant</p> <p>No noise emitting fans, louvers, ducts or other external plant and machinery associated with the uses shall be installed until a noise assessment and scheme to reduce noise and vibration has been submitted and approved by the Council. The approved scheme shall be completed prior to the first occupation of the buildings and shall thereafter be retained.</p>	In the interests of local amenity
11	Ventilation and Extraction:	

¹ Can be viewed at www.middlesborough.gov.uk

	<p>Details of any extract ventilation and fume extraction systems, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment/ odour abatement, to be installed shall be first approved by the Council in writing and installed before the development hereby permitted is brought into use and thereafter retained in full accordance with the approved details. The ventilation and extraction system shall prevent the emissions of fumes and/or odours which will be detrimental to the amenity of the area and shall be operated and maintained in accordance with the manufacturers recommendations including the replacement of any filters</p>	<p>To ensure a satisfactory form of development, that Darlington is satisfied that as to the arrangements for preventing loss of amenity to neighbouring premises due to fumes and smells, and that the appropriate measures are in place prior to the premises hereby permitted becomes operational.</p>
12	<p>Internal Noise – B1 Office only</p> <p>Prior to the commencement of any B1 Office development, a scheme for the protection of the proposed office accommodation from rail traffic and external plant noise shall be submitted to and approved by the Council and this shall achieve internal noise levels of less than 40dB(A) LAeq in office accommodation. Any works forming part of this scheme shall be carried out in accordance with the approved scheme and prior to any part of the office development being occupied.</p>	<p>To help secure a healthy working environment</p>
13	<p>Deliveries:</p> <p>No deliveries dispatched or received and no unloading or loading or external stacking or arranging materials or packaging shall take place between 2100 hours and 0700 hours, unless otherwise agreed in writing by the Council.</p>	<p>In the interests of residential amenity.</p>
14	<p>Hours of Operation:</p> <p>No process or operations within the B1 use class shall take place between the hours of 2100 and 0700 hours, unless otherwise agreed in writing by the Council.</p>	<p>In the interests of residential amenity</p>
15	<p>Contamination:</p> <p>Prior to the commencement of any development under this Order there shall be submitted to the Council in respect of the land to be developed a scheme to deal with contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability. The development shall not commence until the Council has approved the scheme in writing. The scheme shall include all of the following measures unless the Council specifically dispenses with any such requirement in writing:-</p> <p>(a) A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site shall be submitted to and agreed in writing with the Council prior to the commencement of the development.</p> <p>(b) A Phase 2 Site Investigation and Risk Assessment</p>	<p>The Site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled and Darlington wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection.</p>

	<p>shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:</p> <p>(i) A Phase 1 Preliminary Risk Assessment has been completed and agreed in writing with Council.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established; and</p> <p>(iii) The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Council.</p> <p>The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.</p> <p>(c) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination affecting the site determined through risk assessment shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s), no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Council.</p> <p>(d) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Council within 2 months of completion of the development.</p> <p>(e) Any contamination not considered in the Phase 3 Remediation Statement but identified during the construction/remediation works shall be subject to further risk assessment and remediation proposals agreed in writing with the Council and the development completed in accordance with any further agreed amended specification of works.</p>	
<p>16</p>	<p>Building and Roof Materials:</p> <p>Building and roof materials selected and used throughout the the development shall be in accordance with the guidelines set out in Sections 6.13 and 6.14 of the 'Design of New Development SPD' for Zone 2 – Town Centre Outer Zone, unless otherwise agreed in writing by the Council.</p>	<p>To ensure an acceptable appearance and style of building.</p> <p>See Informative 6</p>
<p>17</p>	<p>Design - Rooflines:</p>	

	Rooflines of new buildings shall be designed and built in accordance with the guidelines set out in Section 6.6 of the 'Design of New Development SPD' for Zone 2 – Town Centre Outer Zone, unless otherwise agreed in writing by the Council.	To ensure an acceptable appearance and style of building. See Informative 6
18	Survey Recommendations - Mitigation: Where the Council has confirmed in its formal response to the Prior Notification Procedure, that the proposal conforms with this Order subject amongst other things to the recommendations set out in the FRA, Transport Statement and/or ecological surveys, as appropriate, the development shall be carried out and/or implemented in accordance with the specified recommendations in the FRA, Transport Statement and/or ecological surveys prior to the development being brought in to use.	In the interests of minimizing the impact upon the local highway network, flood risk and ecology.
19	Masterplan: All development brought forward under this Order shall be in conformity with the Central Park masterplan agreed by the Council.	To ensure that the development compliments the wider scheme for Central Park, including the internal road network and landscaping scheme. See Informative 8
20	Roads – Provided to adoptable standard The roads and footpaths within the development hereby permitted, shall be constructed to a standard suitable for adoption by the Council as Local Highway Authority.	In the interests of highway safety.